

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 3.02, DIVISION 6, "ELECTRICAL CODE," ADOPTING THE 2017 EDITION OF THE *NATIONAL ELECTRICAL CODE* BY THE AMENDMENT OF SECTION 3.02.251, "ADOPTION," AND ESTABLISHING AMENDMENTS TO THE 2017 EDITION OF THE *NATIONAL ELECTRICAL CODE* IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' RECOMMENDED AMENDMENTS, LOCAL AMENDMENTS AND INDUSTRY STANDARDS THROUGH THE AMENDMENT OF SECTION 3.02.252, "AMENDMENTS"; PROVIDING A PENALTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the National Fire Protection Association ("NFPA") has developed the *National Electrical Code*, and the City of Forney, Texas ("City") has been involved throughout the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

WHEREAS, the *National Electrical Code* has been prepared by NFPA and in addition to review by the NCTCOG, has been reviewed by City staff; and

WHEREAS, the City's electrical code is intended to be updated periodically, and the 2017 edition of the *National Electrical Code* is the most current, published electrical code at this time; and

WHEREAS, the 2017 edition of the *National Electrical Code* addresses the electrical design aspects of all buildings in the City; and

WHEREAS, the current electrical code in the City is the 2014 edition of the *National Electrical Code*, and the City's electrical code should be updated to the most current, published electrical code available; and

WHEREAS, the City Council of the City of Forney, Texas ("City Council") has determined that it is in the best interest of the citizens of the City of Forney to update the City's electrical code by adopting the 2017 edition of the *National Electrical Code* as the minimum standard for electrical installations, as set forth herein and as that code is specifically modified by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF ORDINANCE

From and after the effective date of this Ordinance, Chapter 3, Article 3.02, Division 6, of the Code of Ordinances of the City of Forney, Texas, entitled “Electrical Code,” is hereby amended by amending Sections 3.02.251, entitled “Adoption,” and 3.02.252, entitled “Amendments,” in their entirety and replacing said provisions with new Sections 3.02.251, entitled “Adoption of *National Electrical Code*,” and 3.02.252, entitled “*National Electrical Code* Amendments,” to read as follows:

“Sec. 3.02.251 Adoption of *National Electrical Code*.

The *National Electrical Code*, 2017 edition, a copy of which is on file in the offices of the City of Forney, is hereby adopted and designated as the Electrical Code of the City, the same as though the provisions of the *National Electrical Code*, 2017 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 3.02.252.

Sec. 3.02.252 *National Electrical Code* Amendments.

The following amendments repeal and reenact or add sections to the *National Electrical Code*, 2017 edition, adopted by Section 3.02.251 of this Code for the purpose of consistency with specific past practices and the recommendations of the North Central Texas Council of Governments, and all sections not expressly amended remain in full force and effect as adopted.

- (1) Article 85, entitled Administration, is hereby added to the *National Electrical Code*, 2017 edition, to read as follows:

Article 85 Administration. These regulations shall be known as the Electrical Code for the City of Forney and shall be cited as such. It is referred to herein as the “this code.”

- (2) Article 100 of the *National Electrical Code*, 2017 edition, is hereby amended to add the following definition to read as follows:

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

- (3) Article 100 of the *National Electrical Code*, 2017 edition, is hereby amended to amend the following definition to read as follows:

Intersystem Bonding Termination. A device that provides a means for connecting intersystem bonding conductors for communication systems to the grounding electrode system.

- (4) Article 110.2 of the *National Electrical Code*, 2017 edition, is hereby amended to read as follows:

110.2 Approval. The conductors and equipment required or permitted by this Code shall be acceptable only if approved. Approval of equipment may be

evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with US product safety standards as certified by a Nationally Recognized Testing Lab.

Informational Note No. 3: NFPA 790 and 791 provide an example of an approved method for qualifying a third party inspection agency.

- (5) Article 210.52(G)(1) of the *National Electrical Code*, 2017 edition, is hereby amended to read as follows:

(1) Garages. In each attached garage and in each detached garage with electric power. At least one receptacle outlet shall be installed for each car space.

- (6) Article 230.71(A) of the *National Electrical Code*, 2017 edition, is hereby amended to remove the following exception:

~~Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.~~

- (7) Article 300.11 of the *National Electrical Code*, 2017 edition, is hereby amended to remove the following exception:

~~Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1/2").~~

- (8) Article 310.15(B)(7) of the *National Electrical Code*, 2017 edition, is hereby amended to remove the following:

~~**(7)** This Article shall not be used in conjunction with 220.82.~~

- (9) Article 500.8(A)(3) of the *National Electrical Code*, 2017 edition, is hereby amended to read as follows:

500.8 Equipment.

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosionproof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C (-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling;
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation;
or,
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineering judgment signed and sealed by a qualified licensed Professional Engineer in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

- (10) Article 505.7(A) of the *National Electrical Code*, 2017 edition, is hereby amended to read as follows:

505.7 Special Precaution.

Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified licensed Professional Engineer in the State of Texas.

- (11) Article 517.30 of the *National Electrical Code*, 2017 edition, is hereby amended to amend (G) and to remove letter (H) to read as follows:

(G) Coordination. Overcurrent protective devices serving the essential electrical system shall be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

~~**(H) Selective Coordination.** Overcurrent protective devices serving the life safety, and critical branches of the essential electrical system shall be selectively coordinated with all supply-side overcurrent protective devices.~~

~~Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.~~

~~Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.~~

~~Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.~~

- (12) Article 600.6(A) (1) of the *National Electrical Code*, 2017 edition, is hereby amended to change 'Exception 1' to read as follows:

Exception No. 1: A disconnect shall not be required for branch circuits(s) or feeder conductor(s) passing through the sign where enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. The conductor(s) shall not serve the sign body or sign enclosure where passing through.

- (13) Article 600.6(A) (1) of the *National Electrical Code*, 2017 edition, is hereby amended to create a new Exception 2 to read as follows:

Exception No. 2: A disconnect shall not be required at the point of entry to a sign body, sign enclosure, or pole for branch circuit conductor(s). The conductors shall be enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified

for the location. The conductor(s) shall be routed to a device box which contains the disconnect. A field-applied permanent warning label that is visible during servicing shall be applied to the raceway at or near the point of entry into the sign enclosure or sign body. The warning label shall comply with 110.21(B) and state the following: "Danger. This raceway contains energized conductor(s)." The disconnecting means shall be capable of being locked in the open position in accordance with 110.25.

- (14) Article 600.6(A) (1) of the *National Electrical Code*, 2017 edition, is hereby amended to move the original Exception 2 to create a new Exception 3 to read as follows:

Exception No. 3: A disconnect shall not be required at the point of entry to a sign enclosure or sign body for branch circuit(s) or feeder conductor(s) that supply an internal panelboard(s) in a sign enclosure or sign body. The conductors shall be enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. A field-applied permanent warning label that is visible during servicing shall be applied to the raceway at or near the point of entry into the sign enclosure or sign body. The warning label shall comply with 110.21(B) and state the following: "Danger. This raceway contains energized conductors." The marking shall include the location of the disconnecting means for the energized conductor(s). The disconnecting means shall be capable of being locked in the open position in accordance with 110.25.

(2017 Code) Informational Note: The location of the disconnect is intended to allow service or maintenance personnel complete and local control of the disconnecting means.

- (15) Article 680.25(A) of the *National Electrical Code*, 2017 edition, is hereby amended to delete the exception and to read as follows:

680.25 Feeders.

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit, intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquid tight flexible nonmetallic conduit
- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or in a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC Cable where installed within a building and if not subject to corrosive environment

Section 3. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the _____ day of _____, 2020.

Mary Penn, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jon Thatcher, City Attorney